In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-37571 of 2007

.....

Date of decision:10.9.2007

Jaswant Singh

.....Petitioner

v.

State of Haryana

.....Respondent

....

Present: Mr. R.C. Chaudhary, Advocate for the petitioner.

Mr. Vikas Chaudhary, Assistant Advocate General, Haryana for the respondent-State.

.....

S.S. Saron, J.

Heard learned counsel for the parties.

The petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail in a case registered against the petitioner for the offences under Sections 420, 467, 468, 471 and 120-B IPC at Police Station Kosli, District Rewari.

The FIR in the case has been registered on the complaint made by Sri Ram alias Shyam. It is stated that the complainant has an elder brother Rajesh and he is younger. They have been cultivating their agricultural land on different parcels of land in all measuring 71 Kanals 15 Marlas in Village Guryani. They were in possession of the said land as marausi tenant at Will since 1955. The owners of the land are Baldev Raj and Ved Parkash sons of Jaswant Ram. They entered into an agreement to sell the land on 7.1.2007 in favour of Tej Pal son of Moti Ram. The recitals

in the agreement inter alia recorded that the purchasers could get the sale deed executed in their name or in the name of their nominee. On 21.2.2007, a false deed of relinquishment of the land was drawn up, which is alleged to have been executed by Sri Ram (complainant). The same was submitted before Sub-Registrar Kosli. The complainant in fact had not executed the relinquishment deed of the land and neither did he appear before the Sub-Registrar. His photo was also not on the relinquishment deed dated 21.2.2007. The relinquishment deed had been fraudulently presented. The deed was prepared by Manoj Kumar Yadav, Advocate, Kosli who appeared as witness No.1 before the Sub-Registrar and Billa son of Chandgi Ram of Village Guryani, Tehsil Kosli who appeared as witness No.2. Stamp Papers of Rs.4600/- were purchased from Om Prakash, Stamp Vendor for preparing the false relinquishment deed of the land purported to have been executed by the complainant. Power of attorney in favour of Jitender son of Randhir was not executed by the complainant and nor does it bear his signatures. There is no thumb impression of the complainant on the power of attorney and the thumb impression of some other person has been put, which is identified by Manoj Kumar Yadav, Advocate. Tej Pal son of Moti Ram asked the vendor to execute the sale deed in the name of his nominee Ravinder Kumar. The vendor in compliance thereof executed deed No.3208 dated 12.3.2007. The recitals in the deed records that the complainant is Gair Marausi tenant in possession of the land and it would be responsibility of the purchaser to get possession. Therefore, it was alleged that the purchaser was also part of the conspiracy. A prayer was made for taking action against the petitioner.

Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated. Besides, name of the petitioner does not find mention in the FIR. Rather, five accused have been mentioned in the FIR. The owners of the agriculture land measuring 71 Kanals 15 Marlas are Baldev Raj and Ved Parkash sons of Jaswant Ram (petitioner). The said owners entered into an agreement on 7.1.2007 to sell the land in favour of Tej Pal son of Moti Ram. The intending purchaser agreed to get the sale deed executed in his own name or in the name of his nominee. It is submitted that the petitioner is not involved in the impersonation and the photographs scanned on deed of relinquishment are of one Billa alias Babu Ram and other person is not known to him. Billa has been arrested. The petitioner has no concern with this case. It is submitted that the petitioner is not beneficiary in the case.

In response, learned counsel for the State has submitted a photo copy of the affidavit dated 2.5.2007 deposed by the deponent. It has been submitted by the State counsel that a reading of the said affidavit would show that the petitioner had received Rs.23 Lacs in cash as sale consideration.

After giving my thoughtful consideration to the contentions of the learned counsel for the parties it may be noticed that land measuring 71 Kanals 15 Marlas was in possession of the complainant as Gair Marausi tenant. The owners of the land who had executed the sale deed in favour of Ravinder Kumar, nominee of the proposed vendee Tej Pal. They had presented a relinquishment deed purported to have been executed by the complainant. The complainant had not signed or thumb marked the relinquishment deed nor he had appeared before the Sub-Registrar. He was

in fact impersonated by some other person. The power of attorney that was given in favour of one Jitender son of Randhir did not bear the signatures or the thumb impression of the complainant. In terms of the affidavit dated 2.5.2007 deposed by the petitioner it has inter alia been recorded that he and his companions had got an agreement done for getting Girdawari of land in Village Guryani in favour of R.K. Goyal, Rajinder Nagar, Delhi. He along with his companions had got entered the Girdawari in the name of Shyam alias Sri Ram. For this he had got prepared a relinquishment deed in the name of Shyam alias Sri Ram on 21.2.2007. The deed number of the relinquishment was 3036. In respect of the said Girdawari a sum of Rs.23 Lacs in cash was received by him.

Therefore, in view of the affidavit dated 2.5.2007 of Jaswant Singh, Photo copy of which has been submitted by the State counsel, it is evident that sum of Rs.23 Lacs has been received by the petitioner. Besides, he along with his companions, was instrumental in getting the relinquishment deed executed. Therefore, evidently no case for grant of anticipatory bail is made out.

Consequently, the criminal miscellaneous petition is dismissed.

September 10, 2007. **(S.S. Saron)**
Judge

hsp